

Senate File 162 - Introduced

SENATE FILE 162
BY TAYLOR, BISIGNANO, and
McCOY

A BILL FOR

1 An Act relating to the effect of certain directives contained
2 in agreements for prearranged funeral services or cemetery
3 and funeral merchandise and including an applicability date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 144C.5A Agreements for prearranged
2 funeral services or cemetery and funeral merchandise —
3 exception.

4 Notwithstanding any other provision of this chapter
5 to the contrary, if a decedent entered into an agreement
6 for prearranged funeral services or cemetery and funeral
7 merchandise as defined in and executed under chapter 523A and
8 all payments under the agreement have been made in full, any
9 directives contained in that agreement for final disposition of
10 the decedent's remains and arrangements for ceremonies planned
11 after the decedent's death shall be carried out, to the extent
12 that such directives are reasonable under the circumstances.

13 Sec. 2. APPLICABILITY. This Act applies to all deaths
14 occurring on or after the effective date of this Act.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 This bill creates new Code section 144C.5A which provides
19 that notwithstanding any other provision of Code chapter 144C
20 to the contrary, if a deceased adult entered into an agreement
21 for prearranged funeral services or cemetery and funeral
22 merchandise as defined in and executed under Code chapter
23 523A and all payments under the agreement have been made in
24 full, the directives contained in that agreement for final
25 disposition of the decedent's remains or ceremonies to be held
26 after the decedent's death must be carried out, to the extent
27 that such directives are reasonable under the circumstances.

28 Currently, Code chapter 144C provides that a person
29 specified in the statute (either a person designated by the
30 decedent in a declaration, a member of the decedent's family,
31 or another specified person) has the "sole responsibility and
32 discretion" and "right to control" final disposition of a
33 decedent's remains and the arrangements for a ceremony after
34 the decedent's death. The statute specifically prohibits a
35 decedent from including directives concerning final disposition

1 of the decedent's remains or arrangements for post-death
2 ceremonies in a declaration.

3 The bill creates an exception to this right of control by
4 a person other than the decedent, where the decedent has a
5 validly executed agreement for prearranged funeral services or
6 cemetery and funeral merchandise.